

### **REMARKS/ARGUMENTS**

By the present amendment, claims 1 and 4 have been amended in order to specify that the method is for eliciting an immune response to an immunogenic formulation. Claim 1 has been amended in order to add an additional step (f) that states that the composition is administered to an animal to elicit an immune response. Support for the amended claims can be found throughout the application, for example, on page 36, lines 18-21.

The amendments to the claims have been made without prejudice and without acquiescing to any of the Examiner's objections. Applicant reserves the right to pursue any of the deleted subject matter in a further divisional, continuation or continuation-in-part application. No new matter has been entered by the present amendment and its entry is respectfully requested.

The office action dated August 14, 2008 has been carefully considered. It is believed that the amendment and the following comments represent a complete response to the Examiner's rejections and place the present application in condition for allowance. Reconsideration is respectfully requested.

### **35 USC §102**

The Examiner has maintained the objection to the claims as being anticipated by Parmenter et al. (Plant Molecular Biology, 1995, 29:1167-1180) and Moloney et al. (U.S. Patent No. 5,948,682). We respectfully disagree with the Examiner for the reasons that follow.

As noted in the response filed on May 14, 2008, both Parmenter et al. and Moloney relate to the assignee's technology to prepare heterologous proteins on oil bodies. As stated previously, neither of the references disclose "formulating the washed oil bodies associated with the antigen into an immunogenic formulation". In the office action dated November 14, 2007, the Examiner states that this step does not distinguish the claims from the cited references as in the claimed method "the formulation is not in contact with any immune system and thus, an immunogenic formation is further characterized as an

intended used for the formulation". As noted above, the claims have now been amended in order to specifically include a step of administering the immunogenic formulation to an animal to elicit an immune response. This step is clearly not taught in the cited references and therefore they can not be said to anticipate the claims.

In view of the foregoing, we respectfully request that the objection to the claims under 35 USC §102 be withdrawn.

The Commissioner is hereby authorized to charge any fee (including any claim fee) which may be required to our Deposit Account No. 02-2095.

In view of the foregoing comments and amendments, we respectfully submit that the application is in order for allowance and early indication of that effect is respectfully requested. Should the Examiner deem it beneficial to discuss the application in greater detail, she is kindly requested to contact the undersigned by telephone at (416) 957-1682 at her convenience.

Respectfully submitted,

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